

REMARKS

A reconsideration of the Final Rejection of this application is respectfully requested.

Claims 12, 14, 15 and 17 are of record in the application and stand under Final Rejection for the following reasons:

1. Claims 15 and 17 stand rejected under Section 102(b) as being anticipated by USP '568 for the reasons of record set forth in the Office Action of Oct. 2, 2002, as expanded by the Examiner's statements in the first two paragraphs of page 3 of the Final Rejection.

2. Claims 14, 15 and 17 stand rejected under Section 102(e) as being anticipated by USP '417 for the reasons of record set forth in the Office Action of Oct. 2, 2002 as expanded by the Examiner's statements in the first two paragraphs of pages 4 of the Final Rejection.

3. Claims 12, 14, 15 and 17 are rejected under Section 103(a) as being unpatentable over USP '417 in view of USP '753 for reasons of record in the Office Action of Oct. 2, 2002 as expanded by the Examiner's statements in the first two full paragraphs of page 5 of the Final Rejection.

A reconsideration of these rejections particularly in the light of newly submitted Claim 18 is respectfully requested.

In each of the rejections, Applicant's arguments have been considered non-persuasive because the claims fail to:

(a) define how the amino group is substituted onto the "A" group, and

(b) recite the cross-linking of a hyaluronic acid molecule with another hyaluronic acid molecule which Applicant relies on to define patentability over the art.

With respect to Item (a), Claim 18 now defines "A" in terms which no longer recite substituents, including amino groups. By its absence from the definition of "A", it is submitted that that the matter of how the amino group is substituted thereon is non-existent and no longer a matter requiring consideration.

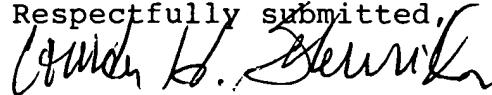
With respect to Item (b), it is submitted that newly presented Claim 18 clearly defines a hyaluronmic acid derivative in which there is the cross-linkage between hyaluronic acid molecules. It is submitted that the wording is such to that it excludes any interpretation that the crosslinkage is between a hyaluronic acid molecule and a different molecule, such as is the case in each of Pouyani '568 and Prestwich '417. It is submitted, therefore, that the features upon which Applicant relies to differentiate over the art and which the Examiner stated were not recited in the claims, now clearly defined in the claims.

It is respectfully submitted that the proposed Amendment (1) introduces no new matter; (2) raises no new issues requiring further consideration and/or search; and (3) places the application in better condition for appeal.

An early reconsideration leading to the issuance of a Notice of Allowance is respectfully solicited, in the absence of which

entry of the Amendment for purposes of appeal is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Walter H. Schneider".

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